

SEC. 7. The common council may at any time for the purpose of anticipating the collection of such assessments, and of meeting the demands against the city, for such assessments, by a two-thirds vote of a full council, issue the bonds of the city in such amounts and under such regulations as they may prescribe, for a time not exceeding ten years, and bearing interest not exceeding ten per cent. per annum, and the proceeds thereof shall be applied to the purpose aforesaid, and the collections from such assessments in anticipation whereof they were issued shall stand appropriated and pledged for the payment of the principal and interest of the same; *Provided*, That the amount of such bonds on account of improvements outstanding shall not at any time exceed one per cent. of the assessed value of the property in the city according to the last assessment.

For what purpose bonds may be issued—rate of interest.

SEC. 2. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 2, 1870.

## CHAPTER XVIII.

*An Act to amend Section Three, of Chapter Seven, of an act entitled an act to reduce the act incorporating the City of Rochester, in the County of Olmsted, and State of Minnesota, and the several acts amendatory thereof, and the act to organize a Board of Education for the City of Rochester, and the several acts amendatory thereof to one act, and to amend the same, approved March ninth, one thousand eight hundred and sixty-seven, and to add certain new Sections to said Chapter relating to the grading of streets and building sidewalks.*

Feb'y 24, 1870.

SECTION 1. Amendment to Section Three (8) of Chapter Seven (7) of the act incorporating the City of Rochester, Special Laws of 1867. Expense of surveying streets, &c., how paid—cost of grading, paving, &c., how paid.

2. Amendment to said act by the addition of the following Sections :
  4. When Common Council may authorize the grading of streets.
  5. The expense of grading streets to be borne by those benefited thereby.
  6. Council to prescribe the width of all sidewalks.
  7. Power to prohibit the construction of sidewalks built contrary to specified width.
  8. When deemed necessary to construct or repair sidewalks, Street Commissioner to notify owners of property adjoining such sidewalk—expenses how paid.
  9. Duty of Common Council in case provisions of preceding Section are not complied with.
  10. What to be included in the expenses of building sidewalks.
  11. All sidewalks constructed or repaired shall be subject to the approval of the Street Commissioner.
  12. No error or informality shall vitiate the assessment made by virtue of this Chapter.
3. Repeal of inconsistent acts.
4. When act to take effect.

*Be it enacted by the Legislature of the State of Minnesota :*

SECTION 1. That section three, of chapter seven, of an act entitled an act to reduce the act incorporating the city of Rochester, in the county of Olmsted, and state of Minnesota, and the several acts amendatory thereof, and the act to organize a board of education for the city of Rochester, and the several acts amendatory thereof to one act, and to amend the same, approved March ninth, one thousand eight hundred and sixty-seven, be and the same is hereby amended so as to read as follows :

Expense of surveying streets, cost of grading, &c., how paid.

Sec. 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys, shall be chargeable to and payable out of the funds of the city. Grading, graveling, planting, macadamizing or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley within the line of improvement, so far as the work extends, and each lot on the line of such improvements, shall be assessed and chargeable with the cost of the improvement made in proportion to their fronts thereon on such street or alley. *Provided*, That for the purpose of such assessment the sides of all lots adjoining said improvement shall be deemed fronts.

SEC. 2. That the following sections be and the same are hereby added to said chapter seven of the act aforesaid :

SEC. 4. No grading of streets or alleys to be done at the expense of the lots fronting such improvement shall be ordered by the common council except upon the petition of a majority of the owners of the lots chargeable with the expense thereof. On receipt of such petition the common council may grant the prayer of the petitioners by resolution passed to that effect, and shall require the city surveyor to examine the premises and report a grade if one be not already established, and an estimate of the whole expense thereof, and shall file in the office of the recorder of said city an accurate survey and profile of such grade. The common council shall thereupon order the said work to be placed under contract upon such terms and under such regulations as it may deem advisable.

When to authorize the grading of streets.

SEC. 5. When the work provided for in the preceding section, shall have been placed under contract, and the expense thereof ascertained, the same shall be assessed by the common council, or under its direction, upon the lots fronting or abutting on such street or alley within the line of the improvement thereof, in proportion to its frontage on such street or alley, and such assessment shall be a lien on said lots, as in the case of other taxes, and shall be transmitted to the auditor of Olmsted county, at the same time with the statement of the city taxes by them levied. And such assessment when so transmitted, shall be collected and payment thereof enforced in like manner as city, county and state taxes are collected.

Expense of grading by whom to be borne.

SEC. 6. The common council of said city shall prescribe the width of all sidewalks by them ordered to be constructed or repaired and the material and construction thereof, and all sidewalks in said city shall be built upon an established grade.

To prescribe width of sidewalk and material used.

SEC. 7. The common council or street commissioner of said city shall have power to prevent the laying or construction of any sidewalks, which shall not be constructed in the manner or of the material, width, size or grade established by such ordinance, and may also require the repair, removal or reconstruction of any sidewalk now laid, and which may not be of the width, grade or material designated in such ordinance.

May prohibit the erection of sidewalks built contrary to specified width.

SEC. 8. Whenever the common council of said city shall deem it necessary to construct or repair any sidewalk in said city, they shall by resolution require the street commissioner to publish a notice to all owners or occupants of any lot or parcel of land adjoining such proposed side-

Expense of constructing sidewalks, &c., how paid.

walk to construct or repair so much thereof as adjoins their several lots, at his or their own proper expense and charge, within a certain time designated in such notice, not less than thirty days from the day of the first publication thereof. The said notice shall be published in the official paper of said city not less than two weeks, and shall contain a substantial description of the locality where such sidewalk is to be constructed or repaired, the nature of the work to be done, (whether construction or repair) and the time within which the owners or occupants are required to do the same.

Duty of council; in case preceding section is not complied with.

SEC. 9. If any such work or any part thereof, is not done in the manner prescribed by such ordinance, and within the time designated in said notice, the common council may order the same to be done at the expense of the lots adjoining such sidewalk, and the expense thereof shall be assessed upon such lots so chargeable, in such manner that each lot shall be charged with the whole expense of the sidewalk adjoining thereto, by the said street commissioner, and returned to the common council, and said assessment shall be a lien upon said lot or lots, as in the case of city, county and state taxes; and the said common council shall cause a statement of such assessment to be returned to the auditor of said Olmsted county, at the same time with the city taxes levied by them. And such assessment, when so transmitted to said auditor, shall be collected and payment thereof enforced in like manner as city, county and state taxes are collected and payment thereof enforced.

What to be included in expense of building sidewalks.

SEC. 10. The expense of constructing or repairing sidewalks in said city shall include all stone work, excavation or filling to make the same upon established grades.

All work to be subject to the approval of the street commissioner.

SEC. 11. All sidewalks constructed or repaired by the owner or occupant of any lot or parcel of land, in pursuance of notice under this act, or without such notice, shall be subject to the approval of the street commissioner of said city.

No informality shall invalidate said assessment.

SEC. 12. No error or informality in the proceedings shall vitiate the assessments made by virtue of this chapter. *Provided*, The notice hereinbefore provided for, shall have been given.

Repeal of inconsistent acts.

SEC. 3. All acts or parts of acts inconsistent with this act are hereby repealed.

When act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 24, 1870.